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#13

Application of: Palese and Garcia-Sastre

Serial No.: 09/396,539

Group Art Unit: 1636

Filed: September 14, 1999

Examiner: T. McKelvey

For: RECOMBINANT NEGATIVE STRAND  
RNA VIRUS EXPRESSION SYSTEM AND  
VACCINES

Attorney Docket No.: 7682-04

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**SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.56 and § 1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references 76 to 129 listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant."

The above-identified application is a continuation of application Serial No. 09/106,377, now U.S. Patent 6,001,634, which is a divisional of application Serial No. 08/252,508, now U.S. Patent No. 5,854,037, which is a continuation-in-part of application Serial No. 08/190,698, filed February 1, 1994, now abandoned, which is a continuation of application Serial No. 07/925,061, filed August 4, 1992, now abandoned, which is a divisional of application Serial No. 07/527,237, filed May 22, 1990, now U.S. Patent No. 5,166,057. References 1-70 were originally submitted in connection with application Serial

No. 08/252,508, now U.S. Patent No. 5,854,037. Accordingly, pursuant to 37 C.F.R. §1.98 (d), copies of 1-70 are not submitted herewith. References 71-75 have previously been submitted in connection with the above-identified application. References 76 to 129 include papers submitted in connection with the Opposition of the European counterpart of parent application Serial No. 527,327, now U.S. Patent No. 5,166,057.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." Instead, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited." Applicants respectfully request that the Examiner consider the references and make them of record in the file of the above-captioned application.

Submission of this Information Disclosure Statement is after the mailing date of the first Office Action on the merits, therefore, pursuant to 37 C.F.R. § 1.97(c), an estimated fee of \$180.00 is due for the filing of this Disclosure. Please charge the required fee, including any deficiencies in the amount estimated to be due, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date August 30, 2001

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Enclosure

## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

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SERIAL NO.

09/396,539

APPLICANT

Palese, P. and Garcia-Sastre, A.

FILING DATE

September 14, 1999

GROUP

1636

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	39	4,786,600	11/22/88	Kramer et al.			
	82	EP-A-O 702 085					
	83	EP-A-O 780 475					
	84	WO-A-9 712 032					
	102	WO 97/06270					
	106	WO 98/13501					

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

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112	Opposition to European Patent No. 0490972 filed on behalf of American Cyanamid Company
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<b>EXAMINER</b>		<b>DATE CONSIDERED</b>
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with <b>MPEP 609</b>; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		